

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ERICSSON INC., AND
TELEFONAKTIEBOLAGET LM
ERICSSON,

Plaintiffs,

V.

APPLE INC.,

Defendant.

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CIVIL ACTION NO. 2:21-CV-00376-JRG

ORDER ON THE NUMBER AND USE OF PRE-ADMITTED EXHIBITS AT TRIAL

The Court issues this Order *sua sponte*. Too often in today's practice the Court finds itself confronted with hundreds or even thousands of proposed exhibits at the pretrial conference. It appears that each side designates every possible document as an exhibit to ensure it does not overlook something important. While of some comfort to the designating party, such practice is overly burdensome to the Court and to the party obligated to review the documents for objection. To provide for a more realistic and efficient means of resolving disputes regarding exhibits to be pre-admitted in advance of trial, the Court imposes the following limits on the presentation of exhibits at trial: the parties may jointly prepare and present a Joint Exhibit List containing no more than seventy-five (75) exhibits which have been agreed upon by both parties as being properly pre-admitted exhibits at trial. Additionally, each party may serve and present its own Party Exhibit List containing no more than thirty (30) additional proposed exhibits.

All items on the Joint Exhibit List shall be pre-admitted. The Court will only consider objections raised regarding exhibits on the opposed Party Exhibit Lists and will rule, as a part of the pretrial process, on such objections. Any items from a Party Exhibit List which are not objected


to shall be pre-admitted. Any item from a Party Exhibit List where an objection has been overruled shall be pre-admitted. Any item from a Party Exhibit List where an objection has been sustained will be excluded and shall not be pre-admitted.

The parties' presentation of exhibits at trial will be limited to those exhibits contained in the Joint Exhibit List and each Parties' Exhibit List which have been pre-admitted during the pretrial process. Only pre-admitted exhibits may be presented at trial.

Notwithstanding the foregoing, and to assuage the parties' concerns that something vital might be overlooked as a part of this practice, if a party inadvertently omits a relevant document from its Party Exhibit List, it may move to admit the omitted document into evidence, upon a showing of good cause, at trial and until the close of evidence. However, no party shall seek the admission of more than four (4) omitted documents at trial, and no omitted document shall be raised or mentioned in the presence of the venire panel or the jury prior to its admission by the Court. Any party objecting to the admission of the omitted document will be heard by the Court outside the presence of the jury.

The numerical limitations within this Order are tailored to the specific landscape of the present case as viewed by the Court and should not be taken by others as a template for future cases.

So ORDERED and SIGNED this 2nd day of November, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

